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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,961	01/22/2002	Alain Guesdon	218153US6X	5622
22850	7590	08/11/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GORMAN, DARREN W	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/050,961

**Applicant(s)**

GUESDON, ALAIN

**Examiner**

Darren W Gorman

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to Applicant's amendment filed June 16, 2004. Applicant's request to cancel claim 6 is acknowledged. Accordingly, claim 6 has been cancelled.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7, 9, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Penson, USPN 4,602,742.

Penson shows an agricultural sprayer (10) (see Figures 1 and 2) equipped with a chassis, the chassis comprising: a bearing structure supporting a storage device (12), and a connecting structure comprising a single upright (53) directed in a vertical direction and arranged in a vertical mid-plane of the sprayer and supporting a spreading device (83), wherein the bearing structure comprises a straight single stringer (14) arranged in a vertical mid-plane of the sprayer, wherein the chassis rests on the ground by a ground-connection device (including 19), wherein the chassis is connected to a tractor vehicle by a hitching device comprising a hitching head (17), and wherein the hitching head is connected directly to the stringer (see Figures 1 and 2).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penson.

Penson shows all of the claimed limitations as set forth in claim 1, however the disclosure of Penson is silent as to whether the stringer is made using a hollow section piece.

It is common and well known in the art to construct chassis members of trailers from hollow materials (usually steel) for the purpose of saving raw materials, and for the purpose of weight reduction, since additional weight requires more energy to tow.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the stringer of Penson using a hollow section piece in order to save raw materials and reduce the overall weight of the trailer.

6. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penson, in view of Mueller et al., USPN 6,209,895.

Penson shows all of the claimed limitations as set forth in claim 9, however the apparatus of Penson does not expressly disclose a suspension system for the apparatus, wherein the ground-connection device comprises a trailed arm connected to the chassis by articulation, the articulation arranged in a vertical mid-plane of the sprayer, and wherein the ground-connection

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device comprises an active element (oleopneumatic ram) entailing just one anchoring point on the chassis, the anchoring point lying inside the stringer.

Mueller teaches an axle suspension system (see Figure 1; and column 2, lines 15-33) which can be used for a trailer chassis comprising a trailed arm (17) connected to a chassis stringer by an articulation (21), the articulation arranged in a vertical mid-plane of the sprayer, wherein the suspension system comprises an active element (29) entailing just one anchoring point on the chassis, the anchoring point lying inside the stringer (see Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the suspension system of Mueller, into the agricultural sprayer trailer chassis of Penson, in order to more efficiently transfer stresses between the ground-connection device and the chassis.

With regard to the limitation of the active element being an "oleopneumatic ram", although the suspension system of Mueller is silent to the type of shock absorber which can be used in the system, Applicant has not disclosed a criticality in using specifically an "oleopneumatic ram" type shock absorber, therefore, it would have been obvious to one of ordinary skill in the art to employ an oleopneumatic ram, or any other well known mountable shock absorber (i.e. hydraulic, pneumatic, etc.) with the suspension system in order to efficiently transfer stresses between the ground-connection device and the chassis to minimize or prevent damage.

7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penson, in view of Clement, USPN 1,471,548.

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Penson shows all of the claimed limitations as set forth in claim 17, however Penson does not expressly teach the agricultural sprayer wherein the hitching head is connected to the stringer by an articulation, wherein a pivoting of the hitching head with respect to the stringer about the articulation is damped using damping elements, the damping elements being arranged inside the stringer.

Clement shows a trailer (see Figures 1-3; and page 1, lines 82-97) having a hitching head (6) connected to a stringer (no reference number) by an articulation (5), wherein a pivoting of the hitching head with respect to the stringer about the articulation is damped using damping elements (20, 21) arranged inside the stringer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hitching head/stringer connection of Penson, to include an articulation and damping elements, as taught by Clement, in order to efficiently transfer shocks and stresses between the hitching head and the stringer of the chassis to minimize or prevent damage.

*Allowable Subject Matter*

8. Claim 15 is allowed.
9. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

10. Applicant's arguments filed regarding differences between Applicant's presently amended claim 1, and the prior art of Penson (U.S. Patent No. 4,602,742), have been fully considered but they are not persuasive.

Applicant asserts (page 10, lines 5-9 of the amendment filed June 16, 2004) that the load-bearing structure of Penson is "not composed of a single side member", and that the spreading device is "supported by the two arms (29, 30), which are distant from a vertical plane passing through side member (14)". Further, Applicant asserts (page 10, lines 9-12 of the amendment filed June 16, 2004) that the connecting structure is "not composed of a strut arranged, at least approximately, along a median vertical plane of the sprayer", and that the support (53) of Penson "cannot be considered to be a linking structure of the spreading device".

Regarding the assertion that the load-bearing structure is not "composed of" a single side member, attention is drawn to line 5 of Applicant's claim 1, which recites, "wherein said bearing structure comprises a single stringer". Applicant's use of the transitional phrase "comprises" on line 5 of claim 1 does not limit the bearing structure from including other additional unrecited elements (see MPEP 2111.03). By Applicant's own admission (see page 10, lines 5-6 of the amendment filed June 16, 2004), member (14) is part of a structure, which supports the weight of the tank (12) (i.e. a bearing structure). Since member (14) is part of the bearing structure, then the bearing structure of Penson clearly "comprises" a single stringer (14), as claimed.

Regarding the assertion that the spreading device is supported by two arms, which are distant from the vertical mid-plane of the sprayer, since the device of Penson has more than one "spreading device", including the sprayer bar (28) and the hand-held sprayer (83), and the

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upright strut (53) which supports hand-held sprayer (83) is clearly arranged in a vertical mid-plane of the sprayer, then the upright strut (53) of the device shown by Penson meets the limitation regarding “a connecting structure supporting a spreading device” as recited on line 4 of claim 1.

Regarding the assertion that the connecting structure (53) is not “composed of” a single upright arranged along a median vertical plane of the sprayer, attention is drawn to lines 5-6 of Applicant’s claim 1, and lines 1-2 of claim 5, which combine together to recite “and said connecting structure comprises a single upright”. Applicant’s use of the transitional phrase “comprises” does not limit the connecting structure from including other additional unrecited elements (see MPEP 2111.03). As discussed above, the vertical upright member (53) of Penson, which is clearly arranged in a median vertical plane of the sprayer (see Figures 1 and 2), supports spreading device (83).

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 703-306-4205.

The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman  
Examiner  
Art Unit 3752

*DWG* 7/27/04  
DWG  
July 27, 2004

*Michael Mar*  
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